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ABSTRACT

Executive Order 12821 encourages Federal departments and agencies to assist elementary and secondary educational institutions with mathematics and science education programs to meet the National Education Goals. The Executive Order established a committee responsible for assessing the availability of education-related Federal equipment and mechanisms for notifying and transferring equipment to elementary and secondary schools. The committee's goals, and the purpose of this report, are to develop guidelines that will help implement the Executive Order by Federal Agencies. The recommended criteria for distributing surplus and excess materials are that preference will be given to those schools that serve the poorest students, and to those schools that lack access to adequate outside resources. The committee identified three methods by which Federal agencies can transfer mathematical and scientific equipment to schools: direct transfer, donation program, and expedited education-related transfers. Applications of these methods are explained. Other issues discussed include supply and demand, getting the word out, defining education-related Federal equipment, and property availability/barriers. Four pilot projects are briefly described. Appendices list the committee members, state agencies for surplus property, and chief state school officers. (MLF)

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Interim Report

Coordinating Committee on Education-Related Federal Equipment

May 1994

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Executive Summary

The National Education Goals were adopted in 1990 to foster educational reform. Mathematics and science education play a significant role in the reform because they are central to the education process and because science and technology have a profound effect on the Nation's economic competitiveness. The eight National Education Goals are:

- By the year 2000, every child will start school ready to learn.
- By the year 2000, the high school graduation rate will increase to at least 90 percent.
- By the year 2000, American students will leave grades four, eight, and twelve having demonstrated competency in challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography; and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our Nation's modern economy.
- By the year 2000, the nation's teaching force will have access to programs for the continued improvement of their professional skills and the opportunity to acquire the knowledge and skills needed to instruct and prepare all American students for the next century.
- By the year 2000, U.S. students will be first in the world in science and mathematics achievement.
- By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
- By the year 2000, every school in the United States will be free of drugs, violence, and the unauthorized presence of firearms and alcohol, and will offer a disciplined environment conducive to learning.
- By the year 2000, every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

The Federal Government can provide leadership in education by: forging needed collaboration to stimulate partnerships; leveraging resources from other sectors; developing model programs and exemplary materials; and using its own vast scientific resources to ensure that every child in America receives the best possible education.

Executive Order 12821 directs Federal agencies to donate or transfer education-related Federal equipment to elementary and secondary schools in support of the National Education Goals. The Coordinating Committee on Education-Related Federal Equipment was established for the purpose of developing guidelines that will help implement the Executive Order by Federal agencies. The Committee has identified three methods by which Federal agencies can transfer mathematical and scientific equipment to schools:

A. Direct Transfer

As authorized by the Stevenson-Wydler Act, Federal agencies can transfer property directly to the recipient. The property is considered a gift, and title immediately passes to the recipient.

B. Donation Program

Property can be donated through GSA's donation program as authorized by the Federal Property and Administrative Services Act of 1949, as amended.

C. Expedited Education-Related Transfers

Property can be transferred by an agency designating which educational institution will receive the property. The agency will notify GSA of the designation and GSA will transfer the property to the State Agency for Surplus Property for donation to that recipient.

If agencies do not have established internal policies and controls for direct transfers, they are encouraged to transfer property under methods B or C. Under methods B and C, recipients of Federal property must adhere to Federal and State restrictions before title passes to the recipient. In addition, service and handling charges are normally assessed under methods B and C. The Committee believes that to maintain the integrity of the program, the property must be used for its intended purpose and there be no misuse of Federal property.

Introduction

Issued on November 16, 1992, Executive Order 12821 encourages Federal departments and agencies to assist elementary and secondary educational institutions with mathematics and science education programs to meet the National Education Goals. The Executive Order requires that, among other things, executive agencies provide elementary and secondary schools, by direct transfer or donation, with excess or surplus education-related Federal equipment. (Excess equipment is equipment that is excess to the needs of the holding Federal agency. Surplus equipment is equipment that is no longer needed by any agency in the Federal government.)

The Executive Order established a Coordinating Committee on Education-Related Federal Equipment (Committee) responsible for assessing the availability of education-related Federal equipment and mechanisms for notifying and transferring equipment to elementary and secondary schools.

The Committee's goals, and the purpose of this report, are to develop guidelines that will help implement the Executive Order by Federal agencies.

The Committee is co-chaired by the U.S. Department of Education (ED), represented by Eve M. Bither, Director, Programs for the Improvement of Practice in the Office of Educational Research and Improvement, and the General Services Administration (GSA), represented by Lester D. Gray, Jr., Director, Property Management Division. The Committee membership, as directed by the Executive Order, includes the Departments of Defense (DOD), Energy (DOE), Health and Human Services (HHS), the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA). The Departments of Agriculture (USDA) and Commerce (DOC) were invited and accepted the Committee's invitation to serve on the Committee.

The Committee convened on the following dates during 1993: July 15, July 30, August 17, and September 1.

The Committee discussed different strategies for getting all Federal agencies to work together toward implementation of Executive Order 12821. Additionally, the co-chairs appointed two subcommittees which met twice during the same period. One, chaired by Eve M. Bither, discussed strategies for reaching schools and school districts; the other, chaired by Lester D. Gray, Jr., discussed methods of donating/transferring property to elementary and secondary schools. The methods for donating and transferring property are outlined on page 9 of this report.

Background

Executive Order 12821 requires agencies to give preference to elementary and secondary schools in the transfer or donation of education-related Federal equipment. Agencies may implement the Executive Order by either direct transfer of excess research equipment under a 1992 amendment to the Stevenson-Wydler Technology Innovation Act (15 U.S.C. 3710(i)) or by reporting excess education-related equipment to GSA for donation in accordance with the Federal Property and Administrative Services Act of 1949, as amended (The Property Act).

The 1992 Stevenson-Wydler Act amendment, enacted by Public Law 102-245, authorized Federal departments, agencies, or laboratories to make direct transfers of excess research equipment to educational institutions or nonprofit organizations to promote technical and scientific education and research activities. Under this legislation, title to the property passes to the recipient at the time of the direct transfer. Transfers of excess equipment under the Stevenson-Wydler Act amendment are made directly by the holding agency and, unlike most transfers of excess Federal property, do not require approval from GSA. Both the Federal Property Management Regulations (FPMR) and the Executive Order, however, require agencies to report these donations/transfers to GSA.

Under the Property Act, surplus personal property may be donated to public agencies for public purposes and to certain nonprofit tax-exempt activities. The Donation Program, as authorized by the Act, requires that such property be distributed to eligible donees by an agency established in each State for this purpose. These agencies are called State Agencies for Surplus Property (SASPs).

Federal executive agencies, including the Department of Defense, are required by the Property Act and its implementing regulations, the Federal Property Management Regulations (FPMR), to report their excess and surplus personal property to GSA after they determine they no longer require the property. GSA in turn maintains a nationwide inventory of excess and surplus personal property for review (screening) by other Federal agencies (utilization) and State Agencies for Surplus Property (donation). Under the provisions of the Property Act, excess property must be made available for transfer to other Federal agencies for further use before it is classified surplus and made available for donation.

Benefits to Educational Institutions

The transfer of mathematical and science equipment to schools by Federal agencies will not only assist in meeting the national Education Goals, but will be of real benefit to the schools. As President Clinton wrote to the Blue Ribbon Schools in October, 1993, "Excellence in education is the key to America's future. Every one of our educational institutions, from the smallest country schoolhouse to the largest state university, plays a vital role in preparing young Americans to succeed in the next century." In order for America to remain globally competitive, the schools need the scientific and technical equipment necessary to help students master challenging content standards.

Under Secretary of Education Richard Riley, the U.S. Department of Education has established as its mission "to ensure equal access to education and to promote educational excellence throughout the nation." This question of equity is very important in the distribution of any equipment.

The latest report of the National Education Goals Panel (1993) found that only 20% of eighth-graders have computers in their classrooms. Three years ago the National Council of Teachers of Mathematics recommended that all students use computers and calculators in their classes. In 1990, only 4% of eighth-grade teachers reported that their students used computers once a week. In the same report, only 56% of eighth-grade science teachers stated that they are well-supplied with instructional materials and resources.

Clearly, access to equipment and computers is a worthy goal for those 80% of eighth-graders who do not have the access to them at present. Access to equipment and tools is essential if the kind of mathematics and science instruction that develops reasoning and problem-solving skills is to be available to all American students.

Issues

To ensure that elementary and secondary schools benefit from the program, a strong and solid foundation must be laid to implement the Executive Order. Accordingly, the Committee discussed the following issues:

Supply and Demand

Federal agencies' ability to supply elementary and secondary schools with the type and quantity of research equipment they need is of great importance to the success of the program. However, it is likely that schools' demand for property will exceed the Federal government's ability to meet that demand. Additionally, schools are not the only eligible recipients of Federal surplus property, and competition for property will be intensified.

Getting the Word Out

An issue related to supply and demand is promoting visibility of the program or getting the word out to the intended beneficiaries, the schools, about the availability of research equipment. In the case of direct transfers under the Stevenson-Wydler Act, the transferring agency would be responsible for informing schools about the availability of equipment. In some cases, Federal agencies and labs may already have ongoing relationships with elementary and secondary schools through work-study programs for individual students, Adopt-A-School and Partnership-in-Education programs for nearby schools. Such programs offer avenues of communication to advise schools of available property.

The State Agencies for Surplus Property have the capacity to play a vital role in informing the schools about the program and encouraging them to be active donees. Periodically, GSA provides the SASPs with a list of available surplus property. Thus, SASPs have the means to keep schools advised on available property. The Federal government donated almost $200 million in property, through the SASPs, to public and private educational institutions in fiscal year 1993.

Defining Education-Related Federal Equipment

The Executive Order defines education-related Federal equipment as excess or surplus personal computers and related peripheral equipment, research equipment, and education-related equipment that is appropriate for use in mathematics and science curricula in elementary and secondary education. Research equipment is further defined as excess or surplus Federal property appropriate for mathematics and science education activities at the elementary and secondary education levels, as defined by and in accordance with the regulations of the agency that owns the research equipment.

The definitions provided by the Executive Order are broad and can be interpreted differently based on agency mission and inventory. To identify possible categories of property, a uniform definition was proposed based on the Federal Property Management Regulations (101-43.314(b)(2)(iv)) definition of scientific equipment. Therefore, research equipment will include, but not be limited to:

-Electrical and Electronic Equipment Components
-Instruments and Laboratory Equipment
-Medical, Dental, and Veterinary Equipment and Supplies
-Photographic Equipment
-Communications, Detection, and Coherent Radiation Equipment
-General Purpose Automatic Data Processing Equipment (including firmware) and Software, Supplies, and Support Equipment
-Pumps and Compressors
-Valves

Property Availability/Barriers

Property Availability

There has been increased interest in disposing of and obtaining excess and surplus personal property by means other than those provided in the Property Act. Congress has passed laws that make various organizations high on the priority list for receiving excess and surplus property. These laws tend to limit property availability for those organizations without a legislative priority (Federal, State, or local).

Condition of Property

Property transferred/donated to the education community should be in working order once in the possession of the recipient. Schools receiving excess/surplus property may not have the resources to finance the rehabilitation of obsolete computers or high-tech equipment. Transferring obsolete equipment to schools that are unable to repair the property would defeat the intentions of the Executive Order.

There are a number of nonprofit organizations that recycle obsolete or outdated computers that have expressed an interest in rehabilitating Federal excess equipment, usually for their own organizations. However, these organizations may also be of some assistance to Federal and State organizations if barriers such as cost of refurbishing and accountability of equipment can be overcome.

Compliance

Under provisions in the Property Act, the donee has conditional title to the property until a specified period of time in use has elapsed and the donee has fulfilled all Federal and State restrictions. Conditional title remains with the donee until all terms and conditions are met.

Additional restrictions may be imposed by GSA on certain types of property. Failure to comply with any of the conditions or restrictions may require return of the property to the State agency for surplus property or to the Federal Government. State restrictions may vary, as each State agency is permitted to impose its own State terms and conditions. Federal restrictions require, at a minimum, that all property be placed into use by the donee (recipient of property) within 1 year of acquisition and be used for at least 1 year thereafter.

Compliance checks are conducted periodically by the State Agency for Surplus Property to confirm that the donee is using the property as originally intended. If the property cannot be located, is being used for private use, has been sold, or is otherwise in noncompliance, the donee is accountable to the Federal government.

In contrast, title to property transferred under the authority of the Stevenson-Wydler Technology Innovation Act, as amended, passes to the recipient upon receipt of the property. Title is not conditional, and there are no terms and conditions on use of the property.

Since the Stevenson-Wydler Act allows title to immediately pass to the recipient, the property could be sold, traded and/or used for private purposes, and the Federal government would have no legal basis for requiring return and proper use of the property. It is for this reason that the Committee recommends that Federal agencies without internal policies and controls on direct transfers use the Donation Program or the Expedited Education-Related Transfers. Each of these two methods would result in terms and conditions on the transfers which would protect the Government's interests.

Criteria for Distributing Materials

The recommended criteria for distributing surplus and excess materials are as follows:

1. Preference will be given to those schools that serve the poorest students. The Chief State School Officer (CSSO) will be asked to provide a rank order list of the school districts with the largest number of students from low income families. It is expected that local education agencies (LEAs) will give preference to those schools in their districts which have the largest number of students from low income families.

2. Preference will be given to those schools that lack access to adequate outside resources, for example, a school that is located in an extremely rural area or is located in a large central city.

3. None of the preferences should be interpreted as superseding existing or anticipated collaboration between agencies and schools.

Pilot Projects

Department of Education

The U.S. Department of Education has a small pilot program to donate computers to schools most in need. To date, the Department has contributed computers whose original purchase prices totaled approximately $425,000. Current surplus computers have gone to the Commonwealth of Virginia for use by lead mathematics and science teachers. The state is networking these teachers in elementary and middle schools. The Department donations are going to those schools that have the largest number of students from low income families. These steps are in accordance with the Virginia State Systemic Initiative (SSI) program funded by the National Science Foundation (NSF), which requires the naming of such teachers.

National Aeronautics and Space Administration (NASA)

NASA has conducted a pilot donation program with relative success. The agency notifies schools that equipment is available, and the education division notifies the property disposal officer of schools to receive priority. Schools certify that the property will be used "for the conduct of technical and scientific education and research activities." Schools targeted under the NASA pilot program include "schools with federally financed research projects; schools in economically depressed areas; urban and rural schools; math, science, and technology magnet schools; and community colleges with technical emphasis." The school assumes responsibility for removal or shipment of the property from NASA.

Department of Defense (DOD)

DOD is conducting a pilot computer donation program for public and private elementary and secondary schools within the country. The DOD Computers for Schools Donation Program (CSDP) is administered by the Defense Information Systems Agency, Defense Automation Resources Information Center (DARIC), Alexandria, Virginia. DARIC approves the direct donation of excess DOD computer equipment from Defense Activities/Components to schools. The Defense Department has donated computer equipment to schools in the following states:

Arkansas	Georgia	Nebraska
Arizona	Hawaii	New Mexico
California	Illinois	Ohio
Connecticut	Kansas	Pennsylvania
Delaware	Massachusetts	Texas
District of Columbia	Mississippi	Virginia
	West Virginia	

Defense organizations facilitate procedures to identify excess computer equipment and local schools for the donation process. The schools are responsible for the transportation of equipment from the DOD activities.

National Science Foundation

NSF has recently begun a program pursuant to Executive Order 12821 to donate NSF personal computers which are being replaced by more advanced models to K through 12 schools. The first personal computers under this new program went to the Arlington County School System in March.

Methods of Transferring/Donating Property

There are three methods by which property can be transferred or donated to elementary and secondary schools:

A. Direct Transfer

As authorized by the Stevenson-Wydler Act, Federal agencies can transfer property directly to the recipient. This property is considered a gift, and title will immediately pass to the recipient. It is the responsibility of the Federal agency to manage and oversee execution of the transfer.

B. Donation Program

Property can be donated through GSA's donation program, in accordance with the Property Act.

C. Expedited Education-Related Transfers

The agency will determine which educational institution will receive the property. The agency will notify GSA of the selection and GSA will transfer the property to the SASP for donation to the recipient. Minimal service and handling charges will be assessed by the SASP and the recipient will adhere to all State and Federal restrictions.

Reporting Requirements

It will be important for agencies involved with the program to maintain data on property transfers. Having authorized or directed that assistance be provided to schools, Congress and the White House will, at some point, probably want to determine the progress of those efforts. Although legislative language in the Stevenson-Wydler Act does not specifically require the donating agency to maintain records or notify GSA of direct transfers, the Executive Order does require agencies to report transfers to elementary and secondary schools to GSA.

Recommendations

1. That agencies apply transferring and donation methods and school priority criteria established by the Committee.

2. That all Federal agency pilot programs for the transfer of Federal property give periodic reports to the Committee so that "lessons learned" can be communicated to other agencies.

3. That state agencies accord higher distribution priority to elementary and secondary school systems.

4. That state agencies establish direct, regular communications with all elementary and secondary school systems in their state in order to give each school an equal opportunity to acquire materials.

5. That state agencies work with the schools to minimize any fees.

6. That Federal agencies transfer all excess and surplus equipment to elementary and secondary schools in working order.

APPENDIX A

The Coordinating Committee on Education-Related Federal Equipment

Committee Members

The Coordinating Committee on Education-Related Federal Equipment (the committee) consists of representatives from nine federal agencies.

Co-chairs:

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APPENDIX C

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March 1994

The Council of Chief State School Officers is a nationwide non-profit organization comprised of the 57 public officials who head the departments of elementary and secondary education in the 50 states, the District of Columbia, five extra-state jurisdictions and the Department of Defense Dependents Schools.

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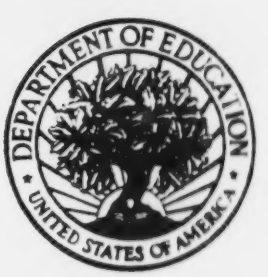

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